

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

MICHAEL CARTER,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00273

HERBERT L. HIVELY, II

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On April 16, 2025, Magistrate Judge Tinsley submitted his Proposed Findings & Recommendations, [ECF No. 23], (“PF&R”) and recommended that the court grant the Defendant’s motion to dismiss and dismiss the case from the court’s active docket. Neither party timely filed objections to the PF&R nor sought an extension of time.

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The court **GRANTS** the Defendant’s motion to dismiss, and the case is **DISMISSED**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 21, 2025


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE